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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

ECUADOR

Communicated by the Government of Ecuador

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

REGULATION No. 2145-A FOR THE APPLICATION OF THE NARCOTIC AND PSYCHOTROPIC SUBSTANCES ACT

Rodrigo Borja,

CONSTITUTIONAL PRESIDENT OF THE REPUBLIC,

Considering that on 17 September 1990 there was published, in the Official Gazette, No. 523, the Narcotic and Psychotropic Substances Act, 1/ and

That it is necessary to issue the regulatory provisions required for the application of that Act, and

Exercising the powers conferred on him under article 78, paragraph (c), of the Political Constitution,

HEREBY DECREES

the following Regulations for the application of the Narcotic and Psychotropic Substances Act:

Preliminary Title

Objectives, scope of application and characteristics of these Regulations

Article 1. The following are the objectives of these Regulations:

1. To regulate the actions aimed at combating and eradicating the production, supply and abuse of narcotic and psychotropic substances and the illicit traffic in them; the measures for monitoring the production and marketing of controlled substances; as well as the measures for investigating the causes of dependence, preventing abuse and rehabilitating addicts; and

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1/ Note by the Secretariat: E/NL.1991/1.

2. To organize the operations of the National Council for the Control of Narcotic and Psychotropic Substances (CONSEP) at the executive, advisory, administrative, technical and operational levels.

Article 2. For the purposes of these Regulations for the application of the Narcotic and Psychotropic Substances Act, the following are considered to be the responsible institutions within their respective spheres of activity:

(a) The CONSEP Board of Directors;

(b) The Office of the State Attorney-General;

(c) The Ministry of Government and Police;

(d) The Ministry of Education and Culture, through the National Programme of Preventive Education;

(e) The Ministry of Public Health, through the National Department of Health;

(f) The Ministry of Social Welfare, with the National Department for the Protection of Minors and the National Department for Youth;

(g) The Ministry of National Defence;

(h) The Ministry of Labour and Human Resources;

(i) The Ministry of Foreign Relations;

(j) The Office of the National Secretary for Social Communication (SENAC); and

(k) The sectional governments.

Article 3. Such institutions of the public sector as carry out activities connected with the application of the Act shall establish special sections or units for the prevention of the abuse of narcotic and psychotropic substances, under the coordination of CONSEP. Those institutions of the private sector that are engaged in similar activities may also establish special sections or units of this kind.

Article 4. The National Plan referred to in article 8 of the Act shall be prepared by the Office of the Executive Secretary of CONSEP, in coordination with the intitutions represented in the Council, and shall be put before the Board of Directors, which, after reviewing it, shall submit it for approval to the President of the Republic during the first year of every presidential term.

In response to special circumstances, the National Plan may be amended at any time, following the same procedure.

Article 5. For the implementation of the National Plan, the institutions of the public and private sectors shall adhere to the policies laid down by CONSEP, particularly with reference to:

(1) The promotion of activities designed to prevent the manufacture and consumption of controlled substances as well as trafficking in them;

(2) The rehabilitation and social resettlement of persons who consume controlled substances;

(3) The investigation and prosecution of the offences described in the Act;

(4) Public information; and

(5) The communication media.

Title One

Organization

Article 6. CONSEP, as an autonomous body corporate under public law, in accordance with the provisions of article 9 of the Act, shall consist of the following organs:

(1) Board of Directors;

(2) Office of the Executive Secretary;

(3) Regional and zonal headquarters, whose location shall be determined by the Board of Directors;

(4) Provincial headquarters.

Board of Directors

Article 7. The CONSEP Board of Directors shall be made up in the manner provided for in article 12 of the Act. The following shall be the representatives of its members:

- Of the Minister of Government and Police, the Under-Secretary of Police or the National Director of Narcotics Investigations and INTERPOL;
- Of the Minister of Education, the Under-Secretary of Education or the National Director of Preventive Education;
- Of the Minister of Public Health, the Under-Secretary of Health or the National Health Director;
- Of the Minister for Social Welfare, the Under-Secretary for Social Welfare or the National Director for Juvenile Affairs;
- Of the Minister of National Defence, the Under-Secretary of Defence or the Intelligence Chief of the Joint Command; and
- Of the Minister of Foreign Relations, the Under-Secretary for Multilateral Political Affairs or the Director-General for Special Affairs.

Article 8. The Board of Directors shall meet in ordinary session during the first week of every month at CONSEP headquarters, and in special session when convened by the Chairman on his own initiative or at the request of at least two of its members. A special session may be held at any place in the Republic, to be determined at the time the session is convened.

The notice to convene the session shall be issued 48 hours in advance and shall indicate the agenda. Copies of the basic documents on the subjects to be discussed shall be attached, unless they are of a confidential nature.

The Secretary ex officio shall be the Executive Secretary of CONSEP. His substitute, in his absence, shall be one of the directors, as appointed by the Board of Directors. Participation in the meetings of the Board of Directors, in an advisory capacity, shall be open to officials of the CONSEP Office of the Executive Secretary as well as to such representatives of any State organization or organizations of the private sector concerned with the areas covered in the Act as may be invited or summoned by the Board of Directors through its Chairman.

Article 9. A quorum for the meetings of the Board of Directors shall require the attendance of at least four of its members, including the Chairman. Decisions shall be adopted by a vote of the majority of those present. Such agreements as the Board of Directors deems relevant shall be published in the Official Gazette.

Voting may be by open (roll-call) or secret ballot. Secret ballots shall require the approval of the majority of the members present. In the case of a tie, the Chairman shall cast the deciding vote.

Article 10. The presence of at least five of the members of the Board of Directors, including the Chairman, shall be required for adopting decisions regarding:

(1) The updating of the definitions, lists and tables annexed to the Act and provided for in its articles 5, 13 (6) and 129;

(2) The setting of the rates charged for the services performed by CONSEP; and

(3) The examination and adoption of the draft of the National Plan.

Article 11. The members of the CONSEP Board of Directors shall receive, as a daily allowance, per session, the amounts specified in the CONSEP budget. Monthly payments of this kind to an official may not exceed 25 per cent of the member's basic salary.

Powers of the Board of Directors

Article 12. In addition to those set forth in article 13 of the Act, the Board of Directors shall have the following powers:

(1) To examine the reports submitted by the institutions referred to in article 2 of these Regulations;

(2) To decide, within 20 days, on claims in respect of the content of the lists and tables and the scope of the definitions, following a report of the Office of Legal Advice and Coercive Measures;

(3) To examine the reports submitted by the Office of Legal Advice and Coercive Measures regarding the advisability of signing international conventions in the areas governed by the Act or of acceding to such conventions, and also the reports on agreements, memoranda and pledges of international, technical and economic cooperation, and on the implementation of such conventions and agreements;

(4) To turn over to public institutions, on a provisional basis, such seized or confiscated goods as may have been placed in the custody of CONSEP, following a report by the Office of the Executive Secretary; and

(5) To examine the reports submitted by the Executive Secretary so as to decide on the disposition of such goods, vegetable plants and controlled substances as have been definitively turned over to CONSEP under a judicial order.

Powers of the Chairman

Article 13. In addition to those specified in the Act, the Chairman of the CONSEP Board of Directors shall have the following powers:

(1) To direct the meetings of the Board of Directors and to speak and vote at them (in the case of a tie, his shall be the deciding vote);

(2) To sign, together with the Executive Secretary, the resolutions of the Board of Directors, which shall be duly numbered and dated;

(3) To sign the memoranda or documents, provided for in article 15 of the Act, regarding technical or economic cooperation;

(4) To submit to the Board of Directors the list of three candidates for election to the post of Executive Secretary;

(5) To submit draft resolutions resulting from the consultations held on the administrative decisions taken by the Office of the Executive Secretary with regard to monitoring and control;

(6) To prepare the annual activities report and submit it to the Board of Directors;

(7) To authorize the CONSEP Executive Secretary to designate the departmental directors referred to in the following article, following the presentation by the Chairman of three candidates; and

(8) Such other powers as are conferred on him by the Act and these Regulations.

The Office of the Executive Secretary

Article 14. For carrying out its duties and functions, the CONSEP Office of the Executive Secretary shall have the technical and administrative units specified in the Organic Functional Regulations.

Functions and powers of the Office of the Executive Secretary

Article 15. In addition to those specified in article 16 of the Act, the functions and powers of the Office of the Executive Secretary shall be:

(1) To investigate the causes of dependence on, and the incidence of the abuse of, controlled substances in population groups distributed according to age, sex, economic level, religion and the types of the substances in question, through the General Department of Prevention;

(2) To coordinate with the Department of the Public Prosecutor so as to ensure that its representatives do not fail to take part in all measures aimed at investigating the offences covered by the Act in order that traces and other evidence may be preserved from loss, alteration or destruction;

(3) To monitor compliance with the decisions adopted by the Board of Directors and to submit the relevant reports;

(4) To coordinate the activities provided for in the Act, as carried out by the Board of Directors and the institutions of the public and private sectors;

(5) To preserve the stubs of the prescription booklets returned to the Office of the Executive Secretary by professional practitioners, along with the prescriptions collected from the pharmacies, for a period of ten years (with further storage on microfilm before they are destroyed); and

(6) Such other functions and powers as flow from the application of the Act and these Regulations.

Article 16. The functions and powers of the directorates, departments and of the Office of the Secretary-General that comprise the Office of the Executive Secretary shall be specified in the Organic Functional Regulations.

The regional, zonal and provincial headquarters shall have the structure specified by the Board of Directors.

The Executive Secretary

Article 17. In addition to the prohibitions provided for in article 18 of the Act, the Executive Secretary may not be an owner of, stockholder in, or adviser to an enterprise connected with the marketing of substances subject to control.

In addition to the qualifications specified in article 18 of the Act, candidates for the position of Executive Secretary must be able to demonstrate at least five years of experience in functions connected with work similar in nature to the work of the Office of the Executive Secretary.

Article 18. The Executive Secretary's alternate, in the event of his absence, shall be one of the directors, as designated by the Board of Directors.

Powers of the Executive Secretary

Article 19. In addition to those specified in the Act, the powers of the Executive Secretary shall be the following:

(1) To direct the administrative management of the Office of the Executive Secretary as well as the technical, operational and financial management of CONSEP, in accordance with the provisions of the Organic Functional Regulations;

(2) To prepare the preliminary budget draft and to submit it to the Board of Directors by 31 August each year for the appropriate processing;

(3) To maintain a current register indicating the imports of controlled substances reserved to the State, in accordance with international conventions;

(4) To delegate a CONSEP official to participate in the task of destroying controlled substances, together with the judge and the secretary of the court;

(5) To submit to the CONSEP Board of Directors the report on confiscated goods in order that the latter may decide on the advisability or not of turning them over on loan for the use of one of the institutions participating in the National Plan;

(6) To sign the reports, authorizations and licences referred to in article 16, paragraphs 9 and 10, of the Act; and

(7) Such other powers as flow from the application of the Act and these Regulations.

Title Two

Prevention

Article 20. The Ministries responsible for carrying out the prevention activities to which the Act refers, subject to these Regulations, are the following:

(a) Government, Police and Municipalities;

(b) Education and Culture;

(c) Public Health;

(d) Social Welfare;

(e) National Defence; and

(f) Foreign Relations.

The implementation of their activities may require the cooperation of the other Ministries as well as the following bodies:

(1) The sectional governments;

(2) The non-governmental organizations legally recognized by the State;

(3) The autonomous institutions of the public and private sectors operating in the social and/or public interest;

(4) The institutions of higher education, universities, polytechnical schools and advanced institutes;

(5) The educational, social, cultural and sporting institutions of the private sector and of the non-organized community sector;

(6) The religious institutions regulated by the Religious Affairs Act; and

(7) Such other bodies as may be specified by the CONSEP Board of Directors.

These activities shall be carried out under the guidance, coordination and supervision of the CONSEP Office of the Executive Secretary.

Article 21. It shall be the task of the institutions of the public sector specified in article 12 of the Act to prepare the relevant instructions for the application and implementation of the National Plan, which shall be approved by the CONSEP Office of the Executive Secretary with a view to achieving the objectives set forth in the Act.

Article 22. The Ministry of Education and Culture shall include in its programmes at all levels and forms of the national educational system curriculum courses and plans aimed at preventing the abuse of controlled substances.

In addition, this Ministry shall be responsible for formulating proposed educational policies aimed at population groups not attending school.

Article 23. CONSEP shall make available for distribution preventive educational material and information to such institutions as it deems appropriate. In addition, it shall exercise a supervisory function in respect of residential establishments, hotels, meeting places, agencies and tourist homes. To this end, it shall institute and keep accurately current a register of these places and of the names of their owners, administrators or persons in charge. It shall also maintain a file of the names of such persons as may be barred from being the owners, representatives or administrators of these places as a result of a previous record of trafficking in controlled substances.

Article 24. For the protection of juveniles exposed to the consumption of, and trafficking in, controlled substances, monitoring and control mechanisms shall be established under the National Department for the Protection of Juveniles of the Ministry of Social Welfare.

Article 25. The institutions of the public and private sectors, or suitable persons of full age, may, subject to a favourable ruling by the competent juvenile court, take custody of juveniles exposed to the consumption of, or trafficking in, controlled substances.

Article 26. All publicity campaigns aimed at eliminating the production and consumption of, and trafficking in, controlled substances must be approved by the CONSEP Office of the Executive Secretary.

Article 27. The prevention campaigns must contain only scientifically sound information and be properly geared to the needs of the persons at whom the publicity programmes in question are directed.

Article 28. CONSEP shall report to the competent authorities on the commission of the acts referred to in articles 28 and 87 of the Act in order that these authorities may take the necessary measures.

Title Three

The abuse of controlled substances and the rehabilitation of the persons affected

Article 29. The abuse of medicines, psychotropic substances, narcotic drugs or any other substance subject to control is understood as referring to the use of these substances without a medical prescription.

Article 30. Law-enforcement personnel who escort persons who appear to be suffering from the harmful effects of a controlled substance to hospitals or care centres for an examination of their condition by medical staff shall immediately report this fact to CONSEP, to a nearby radio patrol or to the nearest police precinct. They may not take these persons to a prison or temporary detention centre.

Article 31. The principal objective of the treatment and rehabilitation measures is to enable the individual affected to be resettled in society as a useful person to the community.

Article 32. The treatment provided to persons affected by the abuse of controlled substances shall be of the in-patient (hospital) or out-patient kind, according to the evaluation carried out by the physicians of the health centres in question, as confirmed by CONSEP's forensic pathologists.

In-patient (hospital) treatment refers to the treatment received by a patient who is admitted to a health centre and occupies a bed there until his recovery and medical release.

Out-patient treatment refers to the treatment a patient receives when he, while continuing to reside at home, visits a health centre for consultations, group therapy, family therapy, work therapy, game therapy and such other forms of therapy as may be prescribed by the treatment team. This treatment may take the form of hospital day care or supervised treatment at a care centre.

Article 33. The CONSEP Board of Directors shall set the standards for monitoring patients receiving out-patient treatment from the respective health-care institutions so as to ensure that these patients do not discontinue their treatment before they should.

If a patient refuses to submit to these rules and breaks off the treatment, the physician in question shall report this fact to CONSEP in order that it may take the appropriate measures.

Emergency detoxification treatment shall be provided at a hospital or care centre for the period of time determined by the case physician and confirmed by the CONSEP forensic pathologist.

Article 34. The health centres and the case physicians and specialists shall inform, simultaneously, the CONSEP Office of the Executive Secretary and the Information Centre of the National Health Department of cases involving drug-dependent patients. To this end, they shall use the form provided in the Manual of Standards and Procedures for Care at Mental Health Units Specializing in the Treatment and Rehabilitation of Alcoholic and Drug-Dependent Patients, adopted under Ministerial Decree No. 9839 of 9 March 1989 and published in the Official Gazette, No. 896, of 18 March 1988.

Article 35. At the request of the patient's legal representative, a competent authority or family member, CONSEP, through its forensic pathologists, shall evaluate the patient's treatment at a care centre. In the event that irregularities are detected, the sanctions provided for in the Act or in the Criminal Code, as appropriate, shall be applied.

Title Four

Monitoring of production activities and traffic in respect of controlled substances

Article 36. CONSEP is the agency responsible, with national jurisdiction, for monitoring the production, import, export and, in general, the marketing of controlled substances, through whatever means, as well as for studies into the causes of addiction to these substances. Its task shall be to oversee compliance with the Act and with these Regulations.

Article 37. Factories, laboratories, pharmacies, drug stores and health-care establishments that maintain, process, use or trade in controlled substances, as well as the places where these substances are warehoused and stored, shall be subject to inspection and monitoring by the Office of the Executive Secretary.

Article 38. CONSEP shall set, in a special regulation, the requirements that must be met by individuals or bodies corporate in order that they may be eligible for authorization to carry out the activities referred to in article 39 of the Act.

Article 39. The authorization to import or export controlled substances or drugs containing them, with the exception of those mentioned in article 16, paragraph 8, of the Act shall be granted to individuals or bodies corporate that request the appropriate permission from the CONSEP Office of the Executive Secretary, using pre-established forms, which must be signed by the importer or exporter and the professional chemist in charge, and which shall contain:

(a) The name and address of the person or enterprise engaged in the import or export;

(b) The number of the licence granted by CONSEP;

(c) The name, quantity and form of the substances or medicines;

(d) The specific purpose for which the imported substances or medicines are intended;

(e) The name of the country of origin or destination and the port of loading, transshipment or unloading;

(f) The health registry number issued by the Ministry of Public Health, and its quantitative formula;

(g) The proposed date for the loading or unloading of the imported or exported goods, the place of origin, and the points of loading, stopover, entry into the country and destination;

(h) The means of transport to be used and the identification of the enterprise in question;

(i) The VAT number in the case of imports; and

(j) Such other data as may be specified by CONSEP in accordance with the circumstances.

Article 40. All persons authorized to import or export controlled substances must provide monthly reports to the Office of the Executive Secretary on the movement of these substances, indicating their quantity, type, weight and volume as well as their final destination.

CONSEP shall have available the technical personnel required to inspect and physically verify the controlled substances at the enterprises in question.

Article 41. Importers or exporters of chemical precursors or other specific chemical products who are authorized to import or export must limit their sales exclusively to individuals or bodies corporate certified and registered by CONSEP, providing the latter with monthly reports on these sales.

Article 42. Importers, pharmaceutical laboratories, clinics, hospitals and pharmacies that sell medicines or medical prescriptions containing narcotic drugs or psychotropic substances shall apply to CONSEP for the appropriate licence.

Individuals or bodies corporate that, as part of their commercial activities, dispense chemical

The applications referred to above shall be submitted using the forms distributed by CONSEP.

Article 43. Permits for the import or export of controlled substances shall expire 180 or 190 days after they are issued, respectively, may be used only once, and may not be used to cover the import or export of substances of a different nature.

Article 44. The Ministry of Public Health shall communicate to CONSEP all instances involving the granting of permits for the operation of pharmaceutical laboratories, clinics and hospitals, and shall identify those persons who have been authorized to produce and sell medicines.

Article 45. The official of the Department of the Public Prosecutor who receives the evidence referred to in article 42 of the Act shall submit an application for legal action to the competent judge, at the same time advising the appropriate sorting office, and shall inform CONSEP.

He shall take similar action when he becomes aware of the existence of a violation of the Act.

Article 46. CONSEP officials shall inspect the pharmaceutical laboratories, pharmacies, clincs, hospitals and industrial or commercial enterprises as well as the warehouses and storage facilities prior to the certification, authorization and granting of licences for the production, distribution, sales, import and export of controlled substances.

Article 47. Industrial pharmaceutical laboratories producing controlled substances or medicines that contain them must furnish CONSEP with samples sufficient for carrying out the relevant control analyses.

Article 48. The responsible professional chemists of pharmaceutical laboratories, industries, pharmacies, distribution companies or trading companies that deal in medicines containing controlled substances must register with CONSEP in order to obtain the appropriate licence.

Any changes in the person of the responsible professional chemist referred to in the preceding paragraph must be communicated to CONSEP.

Article 49. Controlled substances and medicines containing them may be handled only by the responsible professional chemists of the establishments referred to in the preceding article, who shall bear joint responsibility, together with the owners or legal representatives of these establishments, for any shortages or anomalies detected by CONSEP. In such cases, the Executive Secretary shall submit a report on the matter, with the supporting evidence, in order that the appropriate legal action may be taken.

Article 50. CONSEP shall maintain a current register of professional practitioners - physicians, dentists, obstetricians, veterinary doctors, etc. - who are authorized to prescribe medicines containing narcotic and psychotropic substances.

Article 51. CONSEP shall make available the validated prescription books to the authorized professionals requesting them, with the cost to be set by the Council.

CONSEP shall determine which substances from among those contained in annexes II and III to the Act may be sold using the prescription books referred to in the preceding paragraph.

Article 52. The prescription books shall be of the regular and special kind. The doses prescribed by practitioners using the regular prescription books distributed by CONSEP shall be monitored by that body. The special prescription books shall be used to prescribe quantities that the physician requests for the treatment of incurable diseases only.

Article 53. Physicians at psychiatric hospitals or care centres, when they determine that a patient is suffering from the effects of narcotic or psychotropic substances or any chemical, shall examine the patient. If they find that there is intoxication, they shall determine its degree and order the appropriate detoxification and rehabilitation treatment. The attending physician must request of CONSEP the proper authorization and prescription book in order to obtain the narcotic drugs required for the treatment, if appropriate.

Article 54. If a person accused of an offence is a drug addict, the forensic pathologists referred to in the Act shall monitor the detoxification and rehabilitation treatment that the accused is to receive at the centre at which he is being held.

For the purposes provided for in article 65 of the Act, these forensic pathologists shall inform the judge of the reason for the treatment and its results.

Article 55. Pharmacies, hospitals and health centres shall maintain a file of prescriptions issued involving controlled substances or medicines that contain them, which are to be numbered and dated and which shall be returned to CONSEP together with the monthly report.

Article 56. CONSEP shall supply the narcotic and psychotropic substances over which it has control to the authorized pharmaceutical laboratories producing medicines containing such substances in the quantity necessary for the production of a specified batch of the medicines in question, applying the formula found in the respective health register.

These laboratories shall indicate, in their statistical production tables, the common international designation of each product.

Article 57. The owners or legal representatives of laboratories, pharmacies, hospitals, care centres or industrial or commercial enterprises shall forward to CONSEP, within the first ten days of each month, a report regarding the consumption, sale, inventories and remaining stocks of controlled substances, to which they shall attach copies of the invoices reflecting the sales of these substances.

Article 58. CONSEP shall approve the magistral formulas by which pharmacies must be guided in the preparation of all medicines containing controlled substances, as established by the Ministry of Health, and shall distribute these substances to the establishments authorized to prepare them.

Article 59. For the monitoring of pharmacies and chemists' shops, there is established the following table indicating the maximum permissible shortweight for drugs containing controlled substances:

COCAINE HYDROCHLORIDE: In 100 grams of substance, 0.01 gram of shortweight (calculated in anhydride base equivalent to 89 per cent of the total substance).

CODEINE PHOSPHATE: In 100 grams of substance, 0.01 gram of shortweight (calculated in anhydride base equivalent to 74 per cent of the total substance).

CODEINE SYRUP: At 0.2 per cent. In 100 cc. of syrup, 10 cc. of shortweight = 0.002 gram of codeine phosphate.

POWDERED OPIUM (MEDICINAL OPIUM): In 100 grams of substance, 0.01 gram of shortweight. (With a morphine content of 10 per cent.)

PAREGORIC ELIXIR (BENZOIC TINCTURE OF OPIUM): At 0.5 per cent p/p. In 100 cc. of elixir, 10 cc. of shortweight = 0.005 gram of powdered opium.

The table described has been prepared by applying the standard codes of the United States Pharmacopoeia and the Yellow List of Narcotic Drugs under International Control.

Article 61. The quantity specified in the magistral formula for the preparation of a medical prescription containing narcotic or psychotropic substances must be indicated in units of weight and not of volume.

Article 62. In addition to the requirements set forth in the Act, the transport of controlled substances within the national territory shall require a transport guide provided by CONSEP and containing:

(1) The company name or the full names of the supplier and final recipient together with the legal residence, VAT number and CONSEP authorization number;

(2) The name and identification number of each controlled substance transported, as well as the description that appears on the label of the parcels or packages and of the container; the net weight of the product in kilograms or fractions; the quantity and gross weight of the parcels, packages or containers, and their number. The substance shall be protected by a seal, distributed exclusively by CONSEP;

(3) The date of loading and unloading together with an indication of the route to be followed; and

(4) The means of transport and the identification of the carrier.

Article 63. Limited amounts of controlled susbtances may be kept on board ships, aircraft and other means of public international transport for use in first aid and emergency situations en route, with these amounts not to be regarded as being exported, imported or in transit. The captain of the ship or aircraft or, in the case of other transport vehicles, the person in charge shall be responsible for the use made of these substances and shall inform the competent authorities in accordance with the relevant international conventions.

Article 64. CONSEP shall send to the superintendents of banks and companies, the country's land and commercial registrars, the National Director of Cooperatives and the provincial directors of transit traffic lists of persons investigated, tried and convicted for offences covered in the Act, with these lists to be confidential in character and updated every five years.

The representatives of the organizations referred to in the preceding paragraph shall, when requested by CONSEP, transmit to the latter certified copies of the documents and contracts drawn up and registered by individuals and bodies corporate.

Title Six

Preliminary procedures before trial

Chapter One

Retention, seizure and confiscation of goods

Article 65. In order that the Office of the Superintendent of Banks may authorize the registration of a transfer of shares of an organization subject to control, CONSEP must forward to that Office, every five years, the confidential list of persons involved in the infractions provided for in the Act.

Article 66. In addition to the National Police and the Military Customs Police, the National Armed Forces, as an integral part of the forces of public order, shall, without neglecting their specific functions, assist in combating the production of, and illicit trafficking in, controlled substances, particularly in those places where there are no police personnel or where the police lack the necessary means.

Article 67. The agencies of the Armed Forces, National Police and paramilitary institutions participating in the control operations must, working through the appropriate intelligence departments, maintain an adequate flow of information and timely coordination among themselves, in accordance with the interministerial agreement that is to be issued for this purpose.

Once it has been processed and analysed, the information shall be brought to the attention of CONSEP in order that the relevant legal measures may be taken.

Article 68. The National Police and Military Customs Police must maintain permanent coordination with the military authorities (land, sea and air), the Merchant Marine Department and port authorities, and the Department of Civil Aviation, especially when conducting law-enforcement operations, using their personnel and matériel, in zones of the Amazon region, the territorial sea, the insular region, ports and airports, as the case may be.

Article 69. The police forces and the Military Customs Police are required to report immediately to CONSEP the entry into the national territory or territorial sea of any vessel or other transport vehicle carrying controlled substances without authorization, in order that the Office of the Executive Secretary may order the retention referred to in article 103 of the Act.

For the entire time of the retention, which shall not exceed three days, the vessel or vehicle shall remain in the custody of the agency involved in this action.

This rule shall also be applied when said substances are found on aircraft or ships that were about to leave the country.

Article 70. When the Office of the Executive Secretary orders the retention of a transport vehicle and the seizure of controlled substances, and no evidence of responsibility on the part of the owners, crew members or captains or pilots is found, it shall cancel these orders. Otherwise, the Executive Secretary shall forward the documentation regarding the facts of the matter to the Department of the Public Prosecutor in order that it may submit the appropriate application for criminal proceedings to the competent judge.

Article 71. In addition to the retention provided for in article 103 of the Act, the Office of the Executive Secretary may request the surveillance and investigation, for a period of up to 24 hours, of the crew members, or of the captains or pilots, of the vessels or transport vehicles referred to, as well as of their passengers.

In the same document used for this request, notice shall be given to the National Department of Migration and the other oversight agencies in order that they may take the appropriate measures. INTERPOL shall be given the responsibility for the surveillance and investigation.

Article 72. Before an operation is carried out, the reports or information regarding the offences covered in the Act shall be properly analysed and checked by the specialized technical agency of the National Police. If the situation warrants it, the latter shall request the intervention of the appropriate departments of the Armed Forces and of the Military Customs Police. Where necessary, these departments shall undertake joint actions in accordance with the interministerial agreement referred to in article 67.

Article 72. For the purposes of article 116 of the Act, offenders shall make their pre-trial statements to the specialized technical agencies of the National Police, in which connection a representative of the Department of the Public Prosecutor must be present in an active investigative capacity. The punishment for failure to comply with this requirement may include the dismissal of the official from office, for which purpose the matter shall be brought to the attention of the Office of the State Attorney-General.

In such cases, if there is a need for investigations during holidays and no representative of the Department of the Public Prosecutor for Criminal Affairs is present, the regional customs attorney or the attorney of the judicial authority for transit matters on duty during the week in question shall be called upon.

Article 74. When detaining persons guilty of violating the Act and when seizing controlled substances, equipment, laboratories, chemicals, goods, objects, means of transport, money, documents and other items, the following procedures shall be observed:

(a) The offenders' statements during the preliminary investigation phase shall be taken down;

(b) The offenders and the substances seized shall be transferred to the police headquarters of the district in question;

(c) The National Police shall, within 24 hours, remand the offenders to the appropriate judge, together with the report on the police investigation and the documentation on the seizure of the substances and other goods; and

(d) In all cases, the investigative report shall be accompanied by an account of the facts and circumstances surrounding the detention.

Article 75. Within three days of the forwarding of the investigative report and relevant documentation to the jurisdictional sorting office, the National Police shall make available to the judge the results of the laboratory analysis, the documentation and any other material that may contribute to the complete elucidation of the offence.

In places where a single judge has jurisdiction for criminal affairs, the National Police shall forward to that judge the report and documentation referred to in the preceding paragraphs.

For the identification of the substances seized, the National Police, working through its specialized technical agencies, shall take the samples required by the laboratory analysts, without altering the identity of the substances and, as far as possible, the integrity of the packaging. Together with the report, the delivery/reception certificate for the substance samples used in the analysis, indicating their type, quantity and weight and signed by the member of the laboratory staff who performed the aforementioned analysis, is to be forwarded.

Without prejudice to these examinations and their results, the judge hearing the case shall have available the services of the experts specified in the Act. He shall record these measures in the certificate of possession, and shall order that the samples in question be turned over to CONSEP.

Article 76. Any portion of the substances that may be left over from the samples, together with a copy of the expert's report, shall be forwarded by the member of the laboratory staff who performed the aforementioned analysis to the CONSEP Office of the Executive Secretary, which shall keep them under its custody.

Article 77. Given the nature of the offences provided for in the Act, in the event an offender is caught red-handed, the detainee along with the controlled substances seized shall be immediately remanded to the competent judge, and there shall be forwarded to the judge or the sorting office, as appropriate, the notification of seizure, which shall describe all the circumstances surrounding the commission of the offfence, as provided for in article 175 of the Code of Criminal Proceedings.

A judge who removes a case to a superior court shall order that INTERPOL carry out the appropriate investigations and report.

Article 78. CONSEP shall devise the form for the notification of seizure, which shall contain, in particular, the following information:

(a) The place, date and time of the seizure;

(b) The identity of the offender and of the presumed offenders;

(c) A detailed description of the substances and other material evidence found, indicating the quantity, weight or volume;

(d) The full names of any witness or witnesses to the commission of the offence in the event the offender was caught red-handed; and

(e) The full names of the members of the police force or Military Customs Police who were involved in the seizure.

Article 79. Police force members or members of the Military Customs Police who, while carrying out their official duties, find abandoned narcotic or psychotropic substances, chemical precursors or other specific chemical products, equipment, laboratories, means of transport or other goods regarded as connected with illicit activities provided for in the Act shall seize them and physically turn them over to CONSEP, in accordance with the provisions of the preceding articles.

Article 80. The equipment, machinery, instruments and other physical evidence of the offence shall remain in provisional safekeeping with the law-enforcement agency that intervened in the operation. That agency shall maintain control until the judge rules on the transfer of the goods to the custody of CONSEP.

Failure to comply with this provision shall constitute contempt of court.

Such weapons, munitions, explosives and related materials as may be confiscated in these operations

Article 81. The document referred to in article 106 of the Act shall be drawn up on a form distributed by CONSEP and shall contain, in addition to the items specified in that article, an indication of the location of the premises used in the offence; the quantity, weight or volume of the substances; and the full names and signatures of the members of the police forces and other officials who were involved in the destruction of the growing areas or laboratories.

A record shall also be kept of the quantity, weight or volume of the samples taken for the relevant analysis.

Any filmed record or other kinds of recording as may have been acquired shall be attached to this document, which shall be included among the trial materials.

A copy of the document and/or reports of the measures provided for in the preceding provisions shall be sent to CONSEP.

Article 82. When the Military Customs Police, while carrying out its official duties, discovers within the primary and/or secondary customs zones proof of an offence covered by the Act, it shall seize any controlled substances subject to import or export regulations, any other goods connected with the offence, and the transport vehicle used to commit it, where there is one, and shall remand them to the custody of the competent criminal court judge, along with the relevant document, a copy of which shall be forwarded to the customs administrator of the district in question, CONSEP and the National Police.

Article 83. The revocation of the precautionary measure provided for in article 105 of the Act shall be ordered by the judge hearing the case, subject to the consenting opinion of the Department of the Public Prosecutor.

Article 84. The representative of the Department of the Public Prosecutor, when the case warrants it and before the pre-trial testimony and investigative report has been received, shall request the presence of the forensic pathologist referred to in the Act in order that he may examine the detainee's physical condition and submit his report within a period of 48 hours.

General provisions

Article 85. The provisions of these Regulations shall prevail over others dealing with the same subject.

Article 86. When carrying out the destruction of controlled substances, the technical procedures laid down by CONSEP shall be observed. The latter shall also take into account the requirements specified in the Environmental Contamination Prevention and Control Act.

Article 87. Ninety days after these Regulations come into force, the public information media must transmit programmes or spots designed to combat the traffic in, and consumption of, controlled substances over a period and with a frequency to be determined by CONSEP in agreement with SENAC, which shall be responsible for monitoring compliance with this provision.

The programmes and spots to which this article refers shall be broadcast free of charge in the time slots set aside for SENAC.

Transitional provisions

First. Judges in general, customs administrators, health officers and all officials participating in legal proceedings or procedures involving the seizure of chemical precursors or other specific chemical products, whether acquired as the result of a special confiscation operation or not, must, regardless of the stage reached in these legal proceedings or procedures, make available the substances in question to the CONSEP Executive Secretary within 30 days following the enactment of these Regulations, with the latter to act as the judicial depositary for the purposes provided for in articles 11, 13 (13) and 105 of the Act.

Second. Until such time as CONSEP has the appropriate technical facilities, the "Leopoldo Izquieta Pérez" National Institute of Hygiene shall continue providing its services to CONSEP in order that the latter may carry out its objectives.

Third. The forensic pathologists of the Office of the State Attorney-General shall provide their services to CONSEP for the purpose of performing the forensic medical functions laid down in the Narcotic and Psychotropic Substances Act and its Regulations.

Final provision

The present Regulations shall come into force from the date of their publication in the Official Gazette.

Done in Quito, at the National Palace on 29 January 1991.